

BELLINGHAM PLANNING BOARD

P.O. BOX 43

BELLINGHAM, MASSACHUSETTS 02019

RICHARD V. DILL, CHAIRMAN
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VALERIE DeANGELIS
ANNE M. MORSE
WILLIAM M. WOZNIAK
STEVEN CHOINIERE (Alt.)

MINUTES OF REGULAR MEETING

May 27, 1999

Meeting commenced at 7:00 pm. All members were present. Minutes recorded by Planning Coordinator Jill Karakeian. Planning Board Consultant Philip B. Herr was also present.

81-P SUBMISSION

Vin Forte presented to the Board an Approval Not Required plan located on South Main Street on the side of the Curtains property right on Daigle's curve. He is changing the lot line on the back of the lot so that it doesn't go through a gas easement. The frontage and the size of the lot will be staying the same. A fee of \$10.00 was paid.

WW motions to sign the Approval Not Required Plan of Land for Vincent A. & Suzanne Forte located on South Main Street dated May 1999. AM seconds. Unanimous vote of 5 (RD, PC, VD, AM and WW).

GENERAL DISCUSSION

JK informs the Board on the status of Chestnut Hill Condominiums. She spoke to Lee Ambler and is awaiting correspondence with respect to the letter from TNT and the attached page from a Purchase & Sale Agreement that reflected a \$35,000.00 bond. Lee called the attorney that faxed the Purchase & Sale Agreement and he informed Lee that the money was never posted and the Purchase & Sale was never signed.

RD says that he spoke to Lee and the only thing that he recommended that we could do is send a letter to the Board of Selectmen to make them aware of what our concerns are and copy Stuart. At this point we have to wait for Lee's correspondence.

Ted Bailey mentions that he was talking to Tim Babola from TNT at the Bainbridge Site and questioned him about the detention pond at Chestnut Hill Condominiums. He said that Stuart had asked him to get the insurance policy back into effect.

R.J. COBB LAND CLEARING – SITE PLAN REVIEW

Don Neilson of Guerriere & Halnon presented to the Board a Site Plan of Land that reflects an addition of a 3,000 double wall fuel storage tank (above ground) and relocating three parking spaces. Mr. Cobb has gone before the Board of Selectmen for the permit for the tank and has been to the Fire Department to discuss the issue of the tank. He has an application pending with the Board of Selectmen for approval of the tank. Mr. Cobb will also place a guardrail across the front of the tank.

P. Herr doesn't have any problems with this.

Tom Guerin doesn't have any problems.

PC motions to approve the Site Plan for R.J. Cobb Land Clearing. AM seconds. Unanimous vote of 5 (RD, PC, VD, AM and WW).

The Board brought up the issue of the Old Post Office and if anyone spoke to Phil about it?

P. Herr said that he hasn't heard from anyone.

RD said that Stuart said the applicant filled out the form and that all the questions were no and he sent it over the Lee Ambler.

WW says that he certainly has a plan to look at to give the Building Permit. That certainly shows that it is more than 1,000 square feet.

RD says that a letter needs to go to Stuart regarding the Old Post Office location requires a Site Plan review and we would like him also to come to one of our next meetings.

BARTON HILL (32 WILLIAM WAY) – Development Plan Review – Public Hearing – Continued

Jim Roessling of Metro-West Engineering representing John Warfield of Barton Hill, 32 William Way. We needed to address the outstanding concerns from the consulting engineer and those issues have been addressed. He witnessed the test pits. He also mentions a Stormwater Management Program that was dated May 3, 1999 and was revised during the correspondence with him. Copy provided to the Board.

WW asked if there was a maintenance plan already done for the Stormwater Management?

P. Herr says that is what he just provided to the Board.

WW asked how it operates?

P. Herr says that he hasn't seen it.

J. Roessling says that it can get incorporated into a Covenant. The property manager will be required to submit to the Conservation Commission and the DPW a maintenance schedule to

prove that, yes, an individual went out and inspected the catch basins and certain maintenance had been done on the detention pond.

WW asked what happens if the maintenance is not done?

P. Herr says that it is in violation of the approval.

J. Roessling states that ConCom has a written Order of Conditions pending a letter from the Planning Board stating that we have addressed all of your concerns and then at that point they will issue the Order of Conditions.

P. Herr mentions the screening of the Residential area that abuts this property. Maybe some form of security left that in the event that the property gets developed, then that would be available to plant the trees that are required.

J. Warfield informs the Board that there are easements for electrical and gas goes right through the property.

P. Herr asked if he was prohibited from doing plantings in the easements?

J. Warfield says yes, I can't do anything permanent in the easements.

WW suggests putting slats in the chain link fence that abuts the residential property.

J. Warfield says that he is obviously concerned about the cost.

P. Herr asked if the applicant would be willing to provide a letter to the Planning Board subsequent to this approval proving his willingness to provide landscaping on this property should that residential property be developed?

J. Warfield says certainly.

WW motions to close the Development Plan Review Public Hearing for Barton Hill (32 William Way). PC seconds. Unanimous vote of 5 (RD, PC, VD, AM and WW).

WW motions to approve the Development Plan Review for Barton Hill (32 William Way). VD seconds. Unanimous vote of 5 (RD, PC, VD, AM and WW).

WW motions to endorse the Development Plan Approval dated May 27, 1999 for Barton Hill (32 William Way). AM seconds. Unanimous vote of 5 (RD, PC, VD, AM and WW).

WW motions to endorse the Development Plans for Barton Hill with a letter received from the applicant with verbiage with regards to landscaping screening in the event residential property is developed. VD seconds. Unanimous vote of 5 (RD, PC, VD, AM and WW).

MAPLE SANDS – SPECIAL PERMIT PUBLIC HEARING

WW motions to waive the reading of the public hearing notice. PC seconds. Unanimous vote of 5 (RD, PC, VD, AM and WW).

Philip Macchi, Attorney representing the applicant. I submitted a memorandum explaining the application and intentions. There has been a significant change in substances. The fact is that the open space will now be going to the Bellingham Conservation Commission. There are some new members in the audience. The site that we are talking about is off South Maple Street. It is a 23.1 acre parcel of land, zoned agricultural that abuts the Bellingham Town Landfill. It is owned by Mr. & Mrs. LaPointe who are under an agreement with Maple Sands Corp. and Mike Denapely who is the principle. The section of the bylaws do provide for a cluster development subject to certain requirements. Under Section 4300 it says that the first requirement is whether or not the parcel is 10 acres or more. We have 23.1 acre parcel which far exceeds the threshold of 10 acres. We also much show that we can meet the criteria. Mr. Herr has reviewed this plan. With a Conventional Plan there would be 10 lots, we would come in off of South Maple Street and there would be no open space because the open areas shown on the Cluster map would be encompassed within Lots 6, 7, 8, 9 and 10. Lot 1 would encompass the other small open space area down in front of the parcel. We had submitted to you, although it meets all your criteria it does nothing to save any of the natural resources that you would have. As a result of that, we drew a Cluster. We are coming in off of South Maple Street, there are two areas of open space parcels. We originally were going forward with the Definitive plan we have been before the Conservation Commission and has issued an Order of Conditions. In the prior submission, Conservation Commission had give the Planning Board a letter strongly supporting the Cluster. I would ask that letter be part of this hearing. The next criteria is basically a formula which we have to go through. We take 85% of the total area which is over 1 million square feet. We divide that by the 80,000 sq. ft. per lot and that comes to 10.7 lots. The next criteria deals with the lots either to be on sewer or to meet Title 5 requirements. They've gone out and testing this site and have made the appropriate findings that this infact will service the on-site septic system with the Title 5 standards. The other requirement when we have open space is that none of the parcels be less than 2 acres. One is 9.8 acres and the other 2.53 acres. As far as traffic, we are dealing with a 10-lot subdivision of up scaled homes and it does not change the level of service and the site distance is fine both ways. We will not have any effect on the traffic. We will be utilizing town water and running the water line along South Maple Street for some distance and done at the applicant's expense.

WW asks where the detention pond is?

Paul Truax, GLM Engineering explains that the main detention basin is in a low area in the large open space of the project. We have done very limited grading and utilized a natural area that includes a natural swale that goes through and we built a dike. We are using the low spot for a retention and detention area. The other one is at the beginning of the site in the 2.2 acre parcel of open space and we installed leaching pits below ground.

WW questions that all the land that is being conveyed back to the town has these detention and retention areas on them. Will the Town be responsible for them at that point?

P. Macchi says no, basically, I spoke to people at Conservation and Phil Herr and apparently it is our understanding that we would infact maintain all of the areas for a two year period under a scope of work to determine what will actually have to be done. After the two years, we would

meet either with the Planning Board of the Treasurer and they would determine what the estimate —
the cost of work would be to maintain this on a yearly basis. At that point, we would either
provide some voluntary amount or stock that the income from that would infact take care of the —
cost. *bond*

WW asks once the land is turned over to the town how do they get to go on it to access those areas?

P. Macchi says that when we give you the deed, we reserve the easement for the two year period to go on the property to do that.

SC questioned that the developer would be taking up the expense of all the water lines mentioned in the DPW letter?

P. Macchi says correct but there is a question, because there were two letters from the DPW and we are not sure what they want. If you take a look at the May 7, 1999, Paul Bokoski references a letter of January 14, 1999. The letter of January 14th he calls for an 8" line. May 7th letter reference a 12" line.

P. Truax explains that we addressed the January 14th comments and we did this before the last time we came here. His comments says that Item #2 the Definitive Plan shows an 8" SVI Water Main and this department will allow an 8" C900.....Standards... which we put in the Subdivision. Then he called out where he wanted the hydrants. At the time we only had two and he is asking for three. We have provided that. In this May 7th letter, comment #2 reads the same way except that the department would like a 12" C900..... to conform with the Town of Bellingham. In addition to that, we had run the water main the end of the cul-de-sac. He is asking that we bring the 12" line down and run it through Lot #7 about 300' and then give a 20' easement over Lot #7.

P. Herr says that the size of the water main is probably not something that's going to effect the Special Permit.

P. Macchi asked if the Board would vote on the Special Permit and voting upon the Definitive subject to our speaking with the DPW during the 20-day appeal period.

P. Truax says that if the Decision reflected the 12" and during the 20-day appeal period we discussed it with the DPW and found that an 8" water main was okay, then we would be able to do that with a letter to the Planning Board.

VD asked if they intend on putting a fence around the detention area?

P. Truax says no. It is very natural and it is not going to hold alot of water. It is a very small water shed. It is only 3' deep to the flood elevations and then there is a swale. We are going to leave all the trees and everything on the slopes.

VD asked that isn't it a requirement to have a fence?

Jane Neal (abutter from Maple Brook) states that there is a retention pond over at Maple Brook and people have broke through the gate and put fish in the water. We had to call the police because someone had put a boat in it.

P. Truax states that there won't be any standing water in this detention pond. This is going to recharge back into the water. It's a very small watershed. All the homes are going to have to have downspouts that recharge right into the ground. There will be no run off generated from the roof. Plus us being able to leave most of the trees there will absorb alot of the water as well. There are no banks and you aren't going to even know it is there.

P. Macchi states that the Conservation Commission has highly recommended and supported it the way it was.

RD reads the Conservation Commission letter dated February 9, 1999. The Conservation Commission is currently undertaking review in the Maple Sands, South Maple Street project. Based on our review to date the Commission has by unanimous vote requested that we recommend this project to the Planning Board in the strongest possible way. This is the ideal cluster for several reasons. Virtually all impacts from the 100' buffer zone have been eliminated, furthermore, the common or open space portion of the property will abut existing town land increasing our holdings in the general vicinity of Silver Lake. The alternatives for build out with the conventional plan greatly increases the activity in this area. The Commission is recommending that you issue a Special Permit to allow the applicant to proceed with the proposed cluster subdivision. Do not hesitate to contact me. Cliff Matthews, Chairman of Conservation Commission.

Anita Benjamin, abutter on Maple Brook Road asked how close to the Maplebrook Commons they are?

P. Truax explains that the Barletta property is between the Condominiums and Maple Sands. It is about a 200' strip of land.

VD questioned the square footage of the homes.

M. Denapely says that they will be around 2,600 square feet and in the low \$300,000 price range.

WW motions to close the Public Hearing for Maple Sands Special Permit. AM seconds. Unanimous vote of 5 (RD, PC, VD, AM and WW).

WW motions to close the Public Hearing for Maple Sands Definitive Subdivision. PC seconds. Unanimous vote of 5 (RD, PC, VD, AM and WW).

WW motions to grant the Special Permit for Maple Sands as per the Decision dated May 27, 1999. PC seconds. Unanimous vote of 5 (RD, PC, VD, AM and WW).

P. Herr says that on the Subdivision plan the things that I heard were not resolved were what the size of the water main is, whether or not there is going to be a 20' easement across one of the lots.

P. Macchi claims they agree with the 20' easement.

P. Herr and also putting a fence around the detention pond.

VD asked isn't that required?

P. Herr said that it is in the Subdivision Regulations and you can waive that. I have a draft Certificate of Approval but it has no dates on it. My decision has with regards to the detention pond about the maintenance being for three years and I heard two years tonight.

WW asked if it is two years from when it is completed?

P. Herr says that it says for a period of not less than two years following Planning Board's determination that improvements are complete.

P. Macchi says then if you count one year for construction and the two years following, then that would make it three.

WW motions to instruct Phil Herr to draft a Definitive Subdivision Approval for Maple Sands. PC seconds. Unanimous vote of 5 (RD, PC, VD, AM and WW).

BUNGAY BROOK GOLF CLUB – Development Plan Review – Continued

Don Neilson and Mike Simmons of Guerriere & Halnon representing TRG Family Limited Partnership for the Bungay Brook Golf Club. Don Neilson explains that they reviewed the letter from the independent engineer late this afternoon and we have reviewed it. I would like the Board to provide us with permission to sit down with the independent engineer to go over the issues. There are issues there that we don't feel are warranted, but then there are some that may be warranted.

RD says that we gave them permission when they agreed to pay for the service.

P. Herr says that is fine, but the question in my mind is that some of the recommendations of Mr. Sexton would make really substantial change.

D. Neilson says that we are about to receive an Order of Conditions from the Conservation Commission. Zoning Board of Appeals also agreed to grant an earth removal permit for approximately 400,000 yards. There is going to be some upgrade of Locust Street by the Gareau Family. We are going to do some widening and also some drainage. They are also made part of the earth removal permit as well as shown on the plans before you tonight. There have been a couple of changes. We have moved the maintenance building and put it where there is an existing barn now and reconfigured the parking lot. We are demonstrating now 142 parking spaces with the overflow.

VD questioned Phil about the parking and it being a restaurant as well as a golf course and the Board was wondering if there was adequate parking?

P. Herr says they have super adequate parking. They have 120 seat restaurant and your standard calls for 1 parking space for every two seats that equals 60. They are figuring four cars per hole

on the golf course, which I think is not ever likely to happen and that is another 36, in addition to that they are showing 9 people waiting to play. Their numbers are higher than they need.

AM motions to continue the Development Plan Review for Bungay Brook Golf Club to June 24, 1999 @ 7:30 pm. WW seconds. Unanimous vote of 5 (RD, PC, VD, AM and WW).

STOR/GUARD – SPECIAL PERMIT & DEVELOPMENT PLAN REVIEW – PUBLIC HEARING – Continued

Joseph Santos, Attorney representing the applicant SGI Bellingham. SGI Bellingham is the agreed purchaser of land lying off Hartford Ave. owned by Bellingham Ventures LP. The site lies essentially in the industrial district as shown on your zoning map and it also lies in the water resource overlay district. Uses are governed by the basic Industrial District zoning and in addition we have to meet the requirements of the Water Resource Protection Act. For that reason we seek a Special Permit pursuant to Section 4932(a) of the Zoning Bylaw to authorize the development of the site as a warehouse facility. So doing, to cover with impervious surface more than 30% of the site. We say that the proposed principal use of the site is a warehouse and that is permitted as of right within the underlying industrial district. Then we propose a dwelling for the use of a full time caretaker and watchman that will be on site. Your bylaw allows a single family for personnel required to reside on the premises for the safe operation of a permitted use. The improvements that we propose for the site are shown on the plans and we say that the improvements meet or exceed all of the dimensional requirements set forth in your bylaws. We are required to have 125' of frontage, we have 288'. We are required to have a front yard of 100' and we do have 100'. We are required to have side yards of 10', we have them. We are required to have a rear yard of 20', our rear yard will be 227'. Our maximum building height allowed is 45' and our maximum building height is estimated to be 16'. Our plan does show that we comply fully with your off site parking requirements. We are going to have 8 warehouse buildings (124' x 60'), they will contain 59,520 square feet of space. One warehouse building will be smaller (60' x 60') and that will have 3,600 square feet of space. Together, our nine warehouse buildings will have 63,120 square feet of floor space. The one two-story building is 30' x 30' and will have 900 square feet of office space on the first floor and a single family watchman's/caretaker's apartment on the second. They bylaw requires one space per 2,000 square feet of storage, 32 spaces required. One space for each 250 square feet of office space, 4 spaces required. Two and half spaces for the dwelling unit. The total number of required spaces is 39 and we are providing 107 shown on the plan. Looking at the criteria for a Special Permit: A – "The intent of this bylaw as well as it's specific criteria must be met." We say that the intent of your bylaw will be met with the development shown on this plan. The stated purpose of the bylaw set forth in Section 4910 is "to protect the public health by preventing contamination of the ground and surface water resources providing water supply to the Town of Bellingham". We say that the agreement covering all use of storage facilities in section 6 of this agreement, that everyone of our tenants will sign and be bound by will prohibit the storing of any hazardous material. Also, a state of the art drainage system including sediment and oil separation capability will handle drainage so that water quality will not be compromised. B – "The application materials are sufficiently detailed to support cause of findings relative to the standards of the bylaws". We say the detailed development plan has the data explaining this proposed drain and the self-storage rental agreement prohibiting the storage of any hazardous material will protect the public health. C – Those same things will meet this criteria as "B". D – "Neither during construction nor after the use will it adversely effect the existing or potential quality of ground water available within the district". It will not. These

buildings are going to be built on concrete slab foundations and the ACO Drain III System and they will not affect ground water. This criteria requires that the quality of groundwater and quantity of ground water also be protected. We have a plan showing all roof drainage will be deposited directly into drywells and go directly into the ground. E – “The proposed control and response measures adequately and reliably mitigate risks to ground water quality resulting from an accident or system failure”. We say that the control over the nature of the materials being stored (it will be strict) and we will have personnel on duty at all times, so that the control over the nature of that material that may be stored, together with the proposed drainage system afford the greatest protection to ground water. One other matter that the engineer will discuss. The Board asked that we go along with an agreement to have you retain your own engineer and we agreed to pay for it. It is my understanding that your engineer did review the plan that we had originally submitted and made nine suggestions. Our engineer will go over those and point out that all of those suggestions have been incorporated into the plans that are before you this evening. It is also my understanding that your engineer has written a letter that he has no problem.

RD asked if Phil has seen these items and revisions?

P. Herr says that he has seen all of them.

RD asked Mr. Samiotis to give a brief overview of the items and revisions.

C. Samiotis explains that the basic concepts of the drainage plan were developed in conjunction with a prior submittal and also with interaction with the Board itself. All runoff from the paved area would go to a detention basin. It would be collected and go through a trench drain system, to gas and oil separators to a detention basin which has an impervious barrier. From the first detention basin, which takes all of the water and go through a link to the second detention basin. In the pipe flow, we implemented was a valve system to be able to shut off the other detention basin in the event that there was something stored or brought on site, that had spilled. Both detention basin are lined with an impervious barrier. In addition, we have constructed an infiltration system that connects all of the roof drains to an infiltration system below grade. We have done test pits on the site with Walter Amory. Walter had commented on that and wanted more detail on the ACO System and we also clarified some details on the emergency spillway.

VD asked if the apartment and office facility was going to have town water and town sewer?

C. Samiotis says that it will have town water. Town sewer, we are waiting to get a tie in permit from the town. If we do not get that, this site has alot of percable soil so we would have no problem constructing an on-site septic system.

WW questioned the residential use in an industrial district.

P. Herr says that it is an accessory to an industrial use. Is it going to be rented out to the person who is going to live there?

J. Santos explains that the person living there will not be renting. He is an employee. Your bylaw says “a single family for personnel required to reside on the premises for the safe operation of a permitted use”.

WW asked if it is safe operation of a permitted use?

J. Santos says certainly. That is what we are saying. Should a fire break out or for security.

Denis Donovan, Stor/Guard explains that he is a night watchman. We have 500 separate units that people have their personal belongings stored in.

WW states that there are other storage facilities around that don't have night watchmen.

J. Santos explains that they do and that is an advantage of ours.

Nick Abraham, principal of Stor/Guard. The safety of the public is of great concern of Stor/Guard. With a caretaker on site, things that could occur, there could be a customer that has something that is needed out of their unit for an emergency, there could be someone locked inside. Should there be a fire, the caretaker could call the police or the fire department. It is for the safety and protection of the public.

VD asked how many bedrooms were in the apartment on site?

N. Abraham says that it is only 900 square feet and it won't have no more than 2 bedrooms.

T. Guerin asked if the caretaker was going to watch what goes into the units?

N. Abraham says at times. We don't allow people to unload during the night. Our hours are from 6:00 am to 9:00 pm. If there are any material that is in the unit that is not allowed, we have the right to have the police come in and take it.

J. Santos says that they reserve the right to make inspections and we do make spot inspections.

N. Abraham says that this is standard practice in the industry and all over the United States.

VD asked if they would be willing to make stipulations that the apartment could not be rented?

N. Abraham says yes.

J. Santos says that we cannot allow a non-employee to occupy that resident.

N. Abraham says that the caretaker is required to be there from closing to opening.

Dan Merrican with Merrican Engineering representing the abutter Mr. & Mrs. Dexter. On page 45 of the Zoning Bylaw a single family dwelling is defined as a detached residential building contained of a single dwelling unit or a single dwelling unit plus a family apartment. It would seem to me that it is an office building, not a residential building.

N. Abraham says that if that is an issue, we can build the residential dwelling and put the office somewhere else on the site.

AM really feels that is unnecessary.

RD asked Mr. Kenney, Atty. representing the Dexter's if his letter of April 9th been resolved?

S. Kenney said no, it is pending in the landcourt.

D. Merrican asked what the latest revision dates of the plans are?

C. Samiotis says it is 5/27/99. The one before that is 5/20/99 and before that is the original date.

D. Merrican says before himself and Mr. Dexter we have been making periodic requests from both the Planning Board and the Town Clerk's office as recently as today and we were told that no resubmittal's has been made. These revisions have not been made available to us, we have not had an opportunity to review it. We had written a 10 page letter with comments from engineering issues on the original plan and we respectfully request this be continued so that we may have an opportunity to do a thorough review of the revised plans. All the materials that went back and forth between the town's engineer and the applicant's engineer has not been made available to us, so we haven't been able to review those either.

C. Samiotis states that the overall contexts of the entire development is exactly the same. There are minor revisions made.

D. Merrican request that the hearing be continued.

Karen Dexter asked if the plans being shown tonight if they are stamped by a registered engineer?

C. Samiotis says that they are not the stamped plan by a registered land surveyor.

VD asked if someone could explain the landcourt issue so they can understand.

M. Kenney says that the issue is a property line. There has been an action to acquire title and to try title in the landcourt from the owners of this property. We have filed a counter claim. That is pending in the landcourt. Depending on what the landcourt decision is, which could be a year or two down the line. We have a building or a detention pond and if that is determined that is Mr. Dexter's property, then what do you do with the building or detention pond? I suggest that they take the property line and take it back to the furthest amount that it can go and Mr. Ambler's letter addresses this issue. They are proceeding at their own risk.

P. Herr says that as far as Town Counsel's letter, this is not the Planning Board's issue. It is the applicant's issue.

J. Santos explains for the record that it is his understanding that our agreed seller has title insurance for this project. I have advised my client, in my opinion, that title discrepancy has nothing to do with what we are doing here. I agree with your counsel. You shouldn't be concerned with this, it is Mr. Abraham's problem.

S. Dexter requests that the trees all be marked and noted on the plans so we know what is there.

K. Dexter asked if Shea Engineering stamped the plans before the board tonight?

N. Abraham says that he stamped the original survey, which these plans are based on.

D. Merrican states that it is his understanding that the Board of Registration does not permit a professional engineer to establish property lines. We feel that the plans should be stamped by a registered land surveyor.

WW asked Phil if that was required in our laws?

P. Herr says no.

N. Abraham says that he will provide the Board a copy of the plan from Shea Engineering.

VD motions to continue the Special Permit and Development Plan Review for Stor/Guard to June 24, 1999 @ 8:00 pm. WW seconds. Unanimous vote of 5 (RD, PC, VD, AM and WW).

REMMY ESTATES – INFORMAL DISCUSSION

Brad Allen, president of the Allen Companies and he hoping to get some direction on the Remmy property off of Blackstone Street. At the last meeting my Attorney came before the Board with a couple of plans showing Phase I and Phase II. It shows taking Blackstone Street and identifying the first frontage areas as 81-P lots and thereafter cutting up into the uplands of the property (35 acre parcel) with a cluster leaving some open space. At the end of Phase I there was more than 12 lots on a road that constituted a cul-de-sac or a dead end with more than 12 lots on it, therefore, no go. There are currently 7 houses on the street now and I was proposing 7 more. At a prior meeting Phil was kind enough to print out a graphic view on several cul-de-sacs and dead ends that already did such a thing, exceed the 12-house limit. I would like to know how this is different?

P. Herr says that the quick answer is that it is new.

VD says that Hixon Street was there with all those houses, but Hixon Farms Estates was new.

P. Herr says that Hixon Farm Estates has provisions for the extension of the street that the Board insisted on.

WW says that everytime we discuss this project, it keeps coming back with the same questions. I think it came out at the last meeting was that if that section of Blackstone Street was improved to town standards, then the rest of the houses could be developed as long as the road was developed.

Marylou Corriveau (Blackstone Resident) explains that there are 8 houses on the street right now, not 7.

WW asked where the concrete blocks were to block the road are?

B. Allen explains that it is just after the Remmy's house with permission given by the Board of Selectmen. It was put in place in 1989. By written request by the Remmy's, the Rosenfelds, The

Kimball's and The Varney's. Ten years ago, after 260 years of continues use, they asked to have it blocked off.

WW asked who owns the road?

B. Allen says that it is a way and the abutters on both sides have the right to improve it.

AM questioned Town Counsel's response.

JK read the letter from Town Counsel dated October 1998. Dear Mr. Wozniak: I am in receipt of your correspondence of October 15, 1998 relative to Blackstone Street. I must affirm my previous decision of November 13, 1997 forwarded to Atty. Bruce W. Lord and copied to the Town Clerk. A copy of same was presented to this office with a package given to me in conjunction with the problem. I believe that it is more within the realm of the Planning Board's decision to determine the treatment of the same as a through way or a dead end way but would suggest that in the event that the way when it is in Blackstone is not maintained or useable that this should be treated as a dead end. But designed for it's continuation in the event of the completion of same within the Town of Blackstone. I would respectfully submit that there was nothing contained in the information provided by Bradford W. Allan, president of the Allen Companies which would allow me to conclude that Blackstone Street is an accepted public road in the Town of Bellingham. And, further there is little to describe it's boundaries in the event that one would to say that it were a public way.

P. Herr says that what Town Counsel says is that it is the Planning Board's call.

B. Allan says that he would be willing to comply with the Town's Regulations for a non subdivision safe access to a lot Approval Not Required which is 18' of pavement on a 40' easement. The easement for the road layout is already there. It runs between the stone walls which are monuments that are already there. They are the reference points from all the deeds that about the road which are already there.

P. Herr says that he feels that the Approval Not Required lots are not a hard question. But the hard question is going to be the next phase. But, I think that it is the Planning Board's call. Is that road really ever going to get constructed to go through there?

B. Allen says you asked me if I would improve the road for five lots of Form A approvals and I said yes. I would improve them per the town regulations for non subdivision safe access. That is a different standard than a subdivision safe access.

P. Herr asked if he would improve Blackstone Street to the town subdivision standards if you had permission?

B. Allen says yes, I already said I would. I would widen to the extent reasonable and acceptable that the neighbors would be okay with. I was going to bring water down the street and provide stubs to all the property on the way which also means hydrants. Whatever phasing is appropriate to this, I would do.

RD says that I can't give a definitive answer for the Board but my personal feelings is that it is a through road. It connects into Blackstone to Bellingham Street and the Bellingham side is Blackstone Street.

Mr. Corriveau (resident of Blackstone Street) states that he doesn't feel that it is appropriate to have the additional traffic that a through street would have. I know that Blackstone Street at Route 140 and Route 126 are both backed up beyond a serviceable point.

WW asked if the additional homes that Mr. Allen is proposing would be better than opening Blackstone Street up to Blackstone?

Mr. Corriveau says, yes, that would be better than opening it up.

B. Allen says that my reason for being here is to see if I can get a little bit of direction. To possibly phase this project so that I can control the risk. My intention all along from day one has been to deal with the Remmy property and try to achieve whatever fair market value there is in it. That is it. I don't want to build the road through to Blackstone. I told the abutters when I started this that my objective was not to open the street up through to Blackstone.

RD I see Blackstone Street a street that goes through to Bellingham Street in Blackstone. I see that the Town of Bellingham has been collecting Chapter 90 funds measured from South Main Street all the way to the Bellingham town line. I also see that the Board of Selectmen made a choice to block off the road. I look at that as a road that goes through to Blackstone.

AM agrees.

WW says that he would agree if Blackstone Street went through to Blackstone. It is not adequate access at this point. You need to be able to drive an emergency vehicle down there and right now you can't.

B. Allen says he is willing to grade and prune the road to the Bellingham town line.

WW asks how can you do that if you don't own it?

B. Allen says he has permission from the other landowners to grade and prune the roadway to Blackstone. I will install breakaway gates like they have in the state forests between where I end the pavement and the Blackstone town line.

AM says as far as I'm concerned we've been discussing how to determine your goals here and it sounds like atleast three of us agree that the subdivision could be done and feel you should move forward as long as your willing to improve the road.

M. Corriveau is concerned about the road infront of her house getting widened.

VD mentions that there is a potential for alot more houses to go in down there and it should really be looked at.

AM agrees.

B. Allan requests getting on the agenda for the next meeting.

JK suggests June 24th @ 8:30 pm.

B. Allan says that is fine, and thanks the Board for their time.

GENERAL DISCUSSION

P. Herr passes out some correspondence regarding "Master Plan Action Agenda" which laid out what things the Planning Board had to do in the coming year. We haven't done any of those things. I just passed out a memo regarding Major Residential Development and in this package it explores a series of things the town could do in order to respond to the biggest issue in the Master Plan which is getting a way of regulating residential development. This handout is a very strong alternative way of proceeding in which a residential development of some size may require a Special Permit.

AM moves to adjourn at 12:15 pm. PC seconds. Unanimous vote of 5 (RD, PC, VD, AM and WW).

Richard V. Dill, Chairman

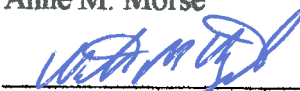


Paul Chupa



Valerie DeAngelis

Anne M. Morse



William M. Wozniak